

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ROBERT KAY**

**Plaintiff,**

**v.**

**TELCO CREDIT UNION, *et al.***

**Defendants.**

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**Case No. 6:15-cv-462-MHS-KNM**

**ORDER ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES  
MAGISTRATE JUDGE**

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (ECF 19), filed on October 5, 2015, recommends that the Complaint be dismissed as to Officer FNU Martinez pursuant to FED. R. CIV. P. 41(b). Neither party filed written objections<sup>1</sup>. Accordingly, the findings and conclusions of the Magistrate Judge are adopted as those of the Court. It is

**ORDERED** that the Complaint be DISMISSED as to Officer FNU Martinez pursuant to FED. R. CIV. P. 41(b).

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<sup>1</sup> On October 13, 2015, Plaintiff filed a document with the Court (ECF 25) purporting to respond to the Court's Order to Show Cause (ECF 14) as to why the Complaint should not be dismissed as to Officer Martinez. Plaintiff stated, "I do not have in my possession the evidence needed to question OFFICER MARTINEZ without objection of hearsay and I will fail to state a claim for which relief can be granted to OFFICER MARTINEZ. Therefore, OFFICER MARTINEZ is excused from all proceedings, nunc pro tunc, **with prejudice.**" Doc. No. 25.

SIGNED this 10th day of November, 2015.



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE